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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,326	07/19/2003	Wlodzimierz Jon Tuszko		3267

7590 02/16/2005

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EXAMINER

REIFSNYDER, DAVID A

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050215

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The period for response to the non-final office action mailed on September 22, 2004 continues to run. The applicant submitted a letter on January 6, 2005. That letter is not an amendment and/or a response to the non-final office action mailed on September 22, 2004. It is clearly not an amendment, and it is also not a response, because a response would have included paying a one month extension of time fee. It is hoped that a response and extension of time fee for the one or two months as needed has already been mailed, or will be mailed shortly. If not, the applicant has until March 22, 2005 to amend this application and include the proper extension of time fee. (i.e. probably a three month extension of time fee). From the applicant's letter it appears as if in addition to amending the claims, he plans on amending this application by a substitute specification, because of numerous intended changes to the specification. If so then the applicant needs to remember to follow the rules for a substitute specification. Once the applicant submits a substitute specification and amended claims, if there are still issues with this application the Examiner may be able to help the applicant resolve those issues. However, if the issues are too great, the examiner will not be able to help applicant resolve those issues at this time, especially since the action that the examiner will do will be a second action, not a first action. In addition, from the applicants letter it is unclear as to whether he intends to amend this application or file a CON or CIP of this application. Of course, if the applicant plans on filling a CON or CIP of this application, then he does not need to worry about following the rules for substitute specification and amendments. Furthermore, on first action the Examiner has more time to help the applicant. If the applicant intends to file a CON or CIP of this application he needs to file it by March 22, 2005, and also pay the proper extension of time fee. If the applicant feels there is not enough time to do a real good job in preparing a CON or CIP of this application, the applicant could file a response to this application and pay for an extension of time for this application. By only filling an extension of time and response to this application the applicant would get a Final Rejection for this action but he would then have three months (i.e. six months if he pays for extensions) to prepare a good CON or CIP of this application.


David A Reifsnyder
Primary Examiner
Art Unit: 1723